

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JAMES ERNEST DICKERSON,

Plaintiff,

v.

MAGGIE MILLER-STOUT *et al.*,

Defendants.

Case No. C06-5422RJB

ORDER TO SHOW CAUSE

The Court, having reviewed the file, does hereby find and ORDER.

(1) Plaintiff shall show cause why he has not exhausted administrative procedures prior to filing this action. The Prison Litigation Reform Act ("PLRA") requires exhaustion of administrative remedies prior to filing a complaint in federal court. The relevant portion of the act states:

No action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted.

42 U.S.C. § 1997e(a).

Here, plaintiff filed this action while incarcerated and the act applies to him. The United States Supreme Court determined that Congress enacted the provision in order to reduce the quantity and improve the quality of prisoner suits. Porter v. Nussle, 534 U.S. 516 (2002). By mandating exhaustion, Congress enabled corrections officials to address prisoner complaints internally. Where exhaustion was once discretionary, it is now mandatory. "All 'available' remedies must now be exhausted; those remedies need not meet federal standards, nor must they be 'plain, speedy, and effective.'" Porter v. Nussle, 534 U.S. 516 (2002) (quoting

1 Booth v. Churner, 532 U.S. 731, 739 (2001)). The Porter Court ruled that “§ 1997e(a)’s exhaustion
2 requirement applies to all prisoners seeking redress for prison circumstances or occurrences.” Porter, 534 U.S.
3 at 520.

4 Plaintiff admits in the complaint that he has failed to exhaust available remedies prior to filing this
5 action. (Dkt. # 1).

6 (2) Plaintiff will have until October 6th, 2006 to show cause why this action should not be
7 dismissed.

8 (3) The Clerk is directed to send a copy of this order to plaintiff and note the October 6th, 2006
9 date on the court’s calendar.

10 DATED this 30th day of August, 2006.

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12 /s/ J. Kelley Arnold
13 J. Kelley Arnold
14 United States Magistrate Judge
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